

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOEL RICH and MARY RICH

Plaintiffs,

v.

FOX NEWS NETWORK LLC,
MALIA ZIMMERMAN in her
individual and professional capacities,
and ED BUTOWSKY in his individual
and professional capacities,

Defendants.

Civil Action No. 1:18-cv-2223

**CERTIFICATION OF
DAVID B. HARRISON IN SUPPORT
OF ED BUTOWSKY'S MOTION TO
DISMISS**

I, DAVID B. HARRISON, of full age, hereby certify as follows:

1. I am an attorney-at-law in the State of New York and Partner of the law firm Spiro Harrison, attorneys for Defendant Ed Butowsky ("Butowsky").
2. I make this Certification in support of Butowsky's reply memorandum of law in further support of his Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(2) and Fed. R. Civ. P. 12(b)(6).
3. Attached hereto as Exhibit 1 is a true and correct copy of a tweet from WikiLeaks's official Twitter account, dated August 9, 2016.
4. Attached hereto as Exhibit 2 is a true and correct copy of a Washington Post news article dated August 9, 2016 titled "WikiLeaks offers reward for help finding DNC staffer's killer."
5. Attached hereto as Exhibit 3 is a true and correct copy of a Telegram news article dated August 10, 2016 titled "WikiLeaks offers \$20,000 reward over murder of Democrat staffer

Seth Rich”.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

SPIRO HARRISON

Dated: June 18, 2018

s/David B. Harrison
David B. Harrison

EXHIBIT 1

**WikiLeaks**

@wikileaks

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WikiLeaks Offers \$20K Reward for Information in Murder of DNC Staffer Seth Rich

WikiLeaks Offers Reward in Murder of DNC Staffer

'At this time, we don't have any information to suggest that the case is in any way connected with his work at the DNC,' D.C.'s assistant police chief said.

nbcwashington.com

10:25 AM - 9 Aug 2016

6,626 Retweets 5,958 Likes



375



6.6K

6.0K



Tweet your reply



Oscar @orod04 · 20 Dec 2016

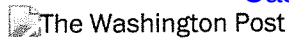
Replying to @wikileaks

be careful of the fake news you will receive. Lot of birds will sing for 20k



masturbating lemon @iackingoff4u · 15 Aug 2016

EXHIBIT 2



Public Safety

WikiLeaks offers reward for help finding DNC staffer's killer

By Peter Hermann and Clarence Williams August 9, 2016 Email the author

The speculation started within days of Seth Rich being gunned down in what D.C. police believe was an attempted robbery near his townhouse in the Bloomingdale neighborhood of Northwest Washington.

Some on the Internet wondered if Rich was killed because of his work as a staffer with the Democratic National Committee, even suggesting he had handed WikiLeaks the 20,000 emails that embarrassed the DNC and forced the ouster of its chairwoman. Others suggested he was helping the FBI expose wrongdoing in the presidential election, and that made him a target.

On Tuesday, WikiLeaks shoved those conspiracy theories into the mainstream when it announced on Twitter a \$20,000 reward for information leading to a conviction in Rich's killing on July 10 in the 2100 block of Flagler Place NW. It adds to a \$25,000 reward offered by D.C. police, customary in all District homicides.

[DNC staffer killed in apparent robbery in Northwest Washington]

Rich's father, Joel I. Rich, said he was offended by what he termed "bizarre" reports that are circulating on Internet discussion and message boards. Rich and his wife, Mary Ann, who live in Nebraska where their son grew up, visited the location of the shooting last week and appealed for help in finding the killer.

On Tuesday, Joel Rich said that the WikiLeaks reward seemed to legitimize the rumor mill. "I don't think I want to comment," he said at first, then added, "I hope the additional money helps find out who did this." But, he said, "I don't want to play WikiLeaks' game."

Assistant D.C. Police Chief Peter Newsham said that "at this time we don't have any information to suggest" a connection between Rich's killing and the WikiLeaks data or other theories raised online.

Newsham also said, "We are very pleased if anyone is going to assist us with the giving of reward money."

[Hundreds attend vigil for slain DNC staffer]

Rich was shot twice in the back as he walked to his townhouse about 4:20 a.m. Nothing was taken, but police have said attempted robbery is their leading theory for a motive, noting a spike in robberies in the neighborhood in the preceding weeks. WikiLeaks released the trove of emails later that month, on July 22.

Rich, 27, had worked for the DNC for two years and helped develop a computer program to make it easier for people to find polling places on Election Day. After his death, the DNC's then-chairwoman, Rep. Debbie Wasserman Schultz (Fla.), attended a vigil for Rich in front of his home, and Hillary Clinton, before she was nominated in her run for president, evoked his name during a speech in which she advocated for limiting the availability of guns.


A spokesman for the DNC did not comment on WikiLeaks or the speculation about Rich. Wasserman Schultz, who was ousted as DNC chair after the embarrassing emails became public on July 22, did not respond to questions given to her spokesman. An official with Clinton's campaign and some cybersecurity experts have said Russia may be behind the email hack.


[Parents of slain man appeal for help finding killer]

The editor of WikiLeaks, Julian Assange, said in a statement issued through an intermediary that he would not confirm or deny whether Rich or any person was a source for the organization, which over the years has obtained and released massive amounts of internal emails and other documents from the military, the State Department and other agencies. The statement says that policy "also covers alleged sources who were deceased."

"We treat threats towards any suspected WikiLeaks sources with extreme gravity," the statement says. "This should not be taken to imply that Seth Rich was a source to WikiLeaks or that his murder is connected to our publications. We hope our efforts will contribute to the family's calls for information and to the separate reward issued by police. We have a history of obtaining information that has significantly contributed to many legal proceedings, including successful prosecutions."

 **1244 Comments**

Peter Hermann covers crime for The Washington Post. He previously worked for the Baltimore Sun for 22 years, covering a Baltimore suburb and then the Baltimore Police Department.  Follow @phscoop

Clarence Williams is the night reporter for The Washington Post on the "night cops" beat, where he has spent nearly two decades chasing breaking news and writing in-depth, issues-based features about police, fire and rescue, and other public safety issues in and around Washington.  Follow @nu1wcf

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EXHIBIT 3

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WikiLeaks offers \$20,000 reward over murder of Democrat staffer Seth Rich



Julian Assange CREDIT: HEATHCLIFF O'MALLEY

By Nick Allen, WASHINGTON
10 AUGUST 2016 • 11:55PM

Speculation was swirling in Washington about whether the murder of a young Democratic Party worker could be linked to last month's leaking of internal party emails.

Seth Rich, 27, was shot twice in the head in what appeared to be an attempted robbery near his home in a suburb of the US capital on July 10, but his belongings were not taken.

Two weeks later **WikiLeaks** (<https://www.telegraph.co.uk/news/worldnews/middleeast/iraq/8083160/Wikileaks-is-a-wake-up-call-for-all-politicians.html>), the website, published thousands of embarrassing internal emails which showed Democratic Party officials favouring Hillary Clinton over her rival Bernie Sanders.

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The scandal led to the resignation of the party chairwoman Debbie Wasserman Schultz.

What began as a conspiracy theory on the internet was pushed into the limelight this week when **WikiLeaks** (<https://www.telegraph.co.uk/news/0/wikileaks-greatest-ever-stories-scandals/>) put up a \$20,000 reward for information leading to the conviction of Mr Rich's killer.

Julian Assange (<https://www.telegraph.co.uk/news/worldnews/middleeast/iraq/8083160/Wikileaks-is-a-wake-up-call-for-all-politicians.html>), the WikiLeaks founder, then appeared on Dutch television where he refused to confirm or deny that Mr Rich was a source.

Dame Vivienne Westwood reveals she visits 'incredible' Julian...

He said: "Whistle-blowers go to significant efforts to get us material and often take very significant risks. I'm suggesting that our sources take risks and they become concerned to see things occurring like that.

"We have to understand how high the stakes are in the United States and that our sources face serious risks."

In a statement Wikileaks added: "We treat threats towards any suspected WikiLeaks sources with extreme gravity.

"This should not be taken to imply that Seth Rich was a source to WikiLeaks or that his murder is connected to our publications. We hope our efforts will contribute to the family's calls for information."

Mr Rich was a computer worker developing a way for voters to locate polling stations.

Joel Rich, the victim's father called the theories about his son's death "bizarre" and accused WikiLeaks (<https://www.telegraph.co.uk/news/worldnews/middleeast/iraq/8083160/Wikileaks-is-a-wake-up-call-for-all-politicians.html>) of "playing a game".

A police spokesman in Washington said there was "no information at this time" to suggest a link between his death and any other investigation.

The Clinton campaign has suggested that Russia was behind the hacking and leaking of the internal Democratic Party emails.

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